

REMARKS/ARGUMENTS

Reconsideration of this Application and entry of this Amendment is respectfully requested. Claims 1, 2, and 4–32 remain under consideration. Claim 1 has been amended, claims 3 and 30–32 have been cancelled, and claims 33 and 34 have been added by the present amendment. No new matter has been added with the amendment.

The Examiner has stated that claims 3, 13, and 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This has been done. The limitation of dependent claim 3 has been added to original base claim 1, thus amending claim 1. No claims were intervening between dependent claim 3 and the base claim 1. New independent claim 33 includes the limitations of original base claim 1, dependent claim 13, and intervening claims 4, 8, and 10. New independent claim 34 includes the limitations of original base claim 1, dependent claim 19, and intervening claims 15 and 16.

A. The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter.

Antecedent basis has been provided in the replacement of the paragraph beginning on page 6, line 11, with the amended paragraph provided on page three (3) of this paper. Support for this amendment can be found on page 11 lines 16 to 21.

B. Claims 1–2, 4–7, 15, and 27–32 were rejected under 35 U.S.C. §102(e) as being anticipated by Phelps et al. (6,475,210).

As noted above, the limitation of claim 3 has been added to original independent claim 1, amending claim 1 to be allowable as judged by the Examiner. No claims were intervening between dependent claim 3 and the base claim 1. Support for claim 3 is provided on page 6, lines 15–17, and on page 11, lines 11–13. Thus, no new matter has been added. Claims 2 and 4–29 depend directly or indirectly from amended independent claim 1. Therefore, dependent claims 2 and 4–29 include all of the elements and limitations of amended independent claim 1. It is therefore respectfully

submitted by Applicant that dependent claims 2 and 4–29 are allowable for at least the same reasons as set forth herein with respect to amended independent claim 1. Withdrawal of the rejection of dependent claims 2 and 4–29 under U.S.C. §102(e) as being anticipated by Phelps et al. is therefore respectfully requested.

C. Claims 8–12, 14, 16–18, and 20–26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Phelps et al. (6,475,210) in further view of Geoffrion et al. (6,338,709).

Claims 8–12, 14, 16–18, and 20–26 depend either directly or indirectly from amended independent claim 1. It is therefore respectfully submitted by Applicant that dependent claims 8–12, 14, 16–18, and 20–26 are allowable for at least the same reasons as set forth herein with respect to independent claim 1. Any claim depending from a non-obvious claim is also non-obvious. See MPEP 2143.03 and *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) (where an independent claim is non-obvious, any claims depending there from are also non-obvious). Withdrawal of the rejections of dependent claims 8–12, 14, 16–18, and 20–26 under U.S.C. §103(a) as being unpatentable over Phelps et al. in further view of Geoffrion et al. is therefore respectfully requested.

D. Claims 3, 13, and 19 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten as indicated.

As noted above, independent claim 1 has been amended to include the limitation of original dependent claim 3. No claims were intervening between dependent claim 3 and the base claim 1.

A new independent claim 33 has been added that includes the limitations of original independent claim 1, claim 13, and intervening claims 4, 8, and 10. Support for claim 13 is provided on page 9, lines 1–3, and on page 11, lines 1–7 and 19–25. Support for the limitation of claim 4 is provided on page 9, lines 28 and 29, and page 10, lines 1 and 2. Support for the limitations of claims 8 and 10 is provided on page 8, lines 17–19. No new matter was added with the new claim.

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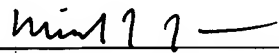
New independent claim 34 includes the limitations of original independent claim 1, and intervening claims 15 and 16. Support for the limitation of claim 19 is provided on page 9, lines 1–3, and on page 11, lines 1–7 and 19–25. Support for the limitation of claim 15 is provided on page 6, lines 11–20, and page 9, lines 5–10. Support for the limitation of claim 16 is provided on page 8, lines 17–23. Thus, no new matter was added with the new claim.

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Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 566-1746.

Respectfully submitted,



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